

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 447

By: Bingman and Sweeden of the  
Senate

6 and

7 McNeil of the House

8  
9  
10 COMMITTEE SUBSTITUTE

11 ( public finance - Rural Economic Action Plan -

12 accounts - appropriations - effective date -

13 emergency )

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18 SECTION 1. AMENDATORY 62 O.S. 2001, Section 2004, as  
19 amended by Section 2, Chapter 219, O.S.L. 2002 (62 O.S. Supp. 2006,  
20 Section 2004), is amended to read as follows:

21 Section 2004. A. The monies appropriated to the Rural Economic  
22 Action Plan Fund shall be subject to all of the requirements of  
23 Sections 2006 through 2013 of this title.

1        B. ~~There~~ In a fiscal year for which the amount appropriated to  
2 the Rural Economic Action Plan Fund is equal to the sum of Fifteen  
3 Million Five Hundred Thousand Dollars (\$15,500,000.00) there shall  
4 be deposited into each of the accounts provided by Section 2006 of  
5 this title the sum of one-tenth (1/10) of the amount appropriated to  
6 the Rural Economic Action Plan Fund with the exception of one  
7 account which shall be divided equally into two subaccounts. One of  
8 the two subaccounts shall be available to one and only one of the  
9 entities described by subsection B of Section 2007 of this title for  
10 distribution to cities or towns within the respective jurisdiction  
11 of the entity if the population of such city or town does not exceed  
12 seven thousand (7,000) persons according to the latest Federal  
13 Decennial Census or for the benefit of an unincorporated area.  
14 Funds may also be expended for any city or town with a population  
15 below seven thousand (7,000) persons based upon the current  
16 population estimate according to the U.S. Census Bureau. Funds may  
17 be expended for such cities and towns until the next following  
18 Federal Decennial Census.

19        C. In a fiscal year for which the amount appropriated to the  
20 Rural Economic Action Plan Fund is greater than Fifteen Million Five  
21 Hundred Thousand Dollars (\$15,500,000.00), but less than Seventeen  
22 Million Fifty Thousand Dollars (\$17,050,000.00), there shall be  
23 deposited into each of nine separate accounts for the entities  
24 described by subsection A of Section 2007 of this title the sum of

1 One Million Five Hundred Fifty Thousand Dollars (\$1,550,000.00).  
2 There shall be divided equally between two additional accounts for  
3 the use and benefit of the entities described by subsection B of  
4 Section 2007 of this title the balance of any such appropriation in  
5 excess of Fifteen Million Five Hundred Thousand Dollars  
6 (\$15,500,000.00), but less than Seventeen Million Fifty Thousand  
7 Dollars (\$17,050,000.00).

8 D. In a fiscal year for which the amount appropriated to the  
9 Rural Economic Action Plan Fund equals or exceeds the sum of  
10 Seventeen Million Fifty Thousand Dollars (\$17,050,000.00), or in any  
11 fiscal year after the fiscal year ending June 30, 2008, for which  
12 the amount appropriated to the Rural Economic Action Plan Fund is  
13 less than Fifteen Million Five Hundred Thousand Dollars  
14 (\$15,500,000.00), there shall be deposited an equal amount to each  
15 of eleven accounts created for the use and benefit of the entities  
16 described by subsections A and B of Section 2007 of this title.

17 E. Regardless of the number of accounts created based upon the  
18 appropriation amount to the Rural Economic Action Plan Fund, all  
19 expenditures from all accounts shall be governed by the limitations  
20 imposed pursuant to Sections 2002 through 2013 of this title,  
21 including the limitations applicable to expenditures for the benefit  
22 of cities or towns based upon population limits or expenditures for  
23 the benefit of unincorporated areas.

1 SECTION 2. AMENDATORY 62 O.S. 2001, Section 2006, as  
2 amended by Section 3, Chapter 219, O.S.L. 2002 (62 O.S. Supp. 2006,  
3 Section 2006), is amended to read as follows:

4 Section 2006. A. There is hereby established a fund within the  
5 State Treasury to be known as the Rural Economic Action Plan Fund.  
6 The fund shall be a continuing fund not subject to fiscal year  
7 limitations. Within the Rural Economic Action Plan Fund there shall  
8 be established ~~ten~~ separate accounts as prescribed by Section 2004  
9 of this title into which shall be deposited such funds as may be  
10 provided by law.

11 B. ~~One~~ Except as otherwise provided by Section 2004 of this  
12 title, one of nine accounts shall be available to each entity  
13 described in subsection A of Section 2007 of this title.

14 C. ~~One~~ Except as otherwise provided by Section 2004 of this  
15 title, one account shall be divided equally into two subaccounts.  
16 One of the two subaccounts shall be available to each of the  
17 entities described by subsection B of Section 2007 of this title for  
18 distribution to any city or town within the respective jurisdiction  
19 of the entity if the population of such city or town does not exceed  
20 seven thousand (7,000) persons according to the latest Federal  
21 Decennial Census or for the benefit of an unincorporated area.  
22 Funds may also be expended for any city or town with a population  
23 below seven thousand (7,000) persons based upon the current  
24 population estimate according to the U.S. Census Bureau. Funds may

1 be expended for such cities and towns until the next following  
2 Federal Decennial Census.

3 D. No funds deposited into one account or subaccount shall be  
4 transferred to any other account. No entity may access any more  
5 than one account per fiscal year and the total expenditure from any  
6 one account for each fiscal year may not exceed the amount of funds  
7 available to each account as may be provided by law.

8 SECTION 3. AMENDATORY 62 O.S. 2001, Section 2007, is  
9 amended to read as follows:

10 Section 2007. A. A voluntary association of Oklahoma local  
11 governmental jurisdictions or another legal entity, including a  
12 public trust or a nonprofit corporation or other entity which  
13 performs functions for the benefit of or which exists for the  
14 primary benefit of Oklahoma local governmental jurisdictions and  
15 which is not described in subsection B of this section, shall be  
16 eligible to obtain funding for rural economic development projects  
17 as authorized by Section 2004 of this title or as authorized by  
18 subsection B of Section 2006 of this title.

19 B. A voluntary association of Oklahoma local governmental  
20 jurisdictions containing at least one municipality with a population  
21 in excess of three hundred fifty thousand (350,000) persons  
22 according to the latest Federal Decennial Census, shall be eligible  
23 to obtain funding as authorized by Section 2004 of this title or as  
24 authorized by subsection C of Section 2006 of this title.

1 C. The entities described in subsection A or B of this section  
2 and which are eligible for any funds authorized by Section 2006 of  
3 this title shall be prohibited from making expenditures on behalf of  
4 or from making payment directly to any city or town with a  
5 population in excess of seven thousand (7,000) persons using any  
6 funds deposited to the Rural Economic Action Plan Fund created by  
7 Section 2006 of this title.

8 D. An organization described in subsection A or B of this  
9 section shall be authorized to make payment of funds obtained  
10 pursuant to Section 2006 of this title directly to a county if the  
11 funds are used for the benefit of an unincorporated area located  
12 within the county to which payment is made. After the county has  
13 provided a request to an organization described in subsection A or B  
14 of this section for funds to benefit an unincorporated area of the  
15 county, together with a statement that the county has conducted a  
16 review of the needs of unincorporated areas located within the  
17 county and that the funding requested is consistent with the  
18 evaluation of priorities for funds by the county, the funds  
19 requested may be paid to the county. Any funds paid to a county  
20 pursuant to the provisions of this subsection shall be expended by  
21 the county exclusively for the purpose identified in the request.

22 E. No county to which funds are paid pursuant to the provisions  
23 of subsection D of this section shall be liable to any person or  
24 other legal entity for damages arising out of any condition, act,

1 omission or other cause alleged to have arisen as a result of a  
2 project upon which funds expended pursuant to the authority of  
3 subsection D of this section were paid to the county.

4 SECTION 4. This act shall become effective July 1, 2007.

5 SECTION 5. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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10 51-1-7935 CJB 04/18/07

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